

Serial No. 10/069,578

ASA-1070

Amendment filed May 14, 2007

Response to Final Office Action mailed December 14, 2006

REMARKS/ARGUMENTSRECEIVED  
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Pending Claims

Claims 1, 12, 13 and 16-25 are pending in this application. Claims 2-11 and 14-15 have been canceled without prejudice or disclaimer. Claims 1, 12 and 13 have been withdrawn.

Claim Rejections under 35 U.S.C. §112

Claims 16-25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 18 and 21 to overcome the 35 U.S.C. §112, second paragraph rejection. Accordingly, the rejection of claims 16-25 should be withdrawn.

Claim Rejections under 35 U.S.C. §§102 & 103

Claims 16-18 and 21-25 are rejected under 35 U.S.C. §102(e) as being anticipated by Takahashi, U.S. Patent No. 6,290,907; and claims 19 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi '968 in view of Hanaway, U.S. Patent No. 4,719,087. Reconsideration of the rejection is requested in view of the newly presented claims and for the following reasons.

Claims 16-25 are presented for reconsideration in view of Takahashi '907. As set forth

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in independent claims 16 and 22, the automatic analyzer has a rack standby disk that rotates and stops, and which has a plurality of racks holding specimens that are made to standby thereon. Rack feed and rack recovery lines transfer racks from a rack supply section to the rack standby disk and from the rack standby disk towards the rack recovery section, respectively. With respect to Figure 1, while a rack is disposed in a position A1, rotation of the rack standby disk 5 is not impeded, and therefore the rack standby disk 5 can perform a rotating operation for transfer of other racks while the one rack is in the specimen sampling position A1, undergoing treatment. After a sampling operation at position A1, the racks are returned to the rack standby disk 5 at position T3 and rotated to a carrying-out position T2 at which the racks are transferred to the rack recovery line 7, as shown in Figure 4.

Takahashi is relied upon for disclosing an automatic analyzer having a rack standby disk 301, in addition to other elements of the invention set forth in claims 16-18 and 21-25. Applicants disagree with the interpretation given to Takahashi in the Office Action, however, and request reconsideration of the rejection.

In particular, applicants refer to column 6, lines 23 to 35 of Takahashi for disclosing a component 301 that is relied upon in the rejection as being a rack standby disk. According to the cited specification of Takahashi, the component 301 is a centrifuge rotor for centrifugal separation of a sample. Accordingly, the centrifuge disclosed by Takahashi is not equivalent to the rack standby disk claimed by applicants. Further, applicants set forth that the rack standby disk of the invention is disposed in a rack delivery unit (claim 17). It is stated in the Office Action that the component 3 is a rack delivery unit, however, the Specification discusses that

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the component 3 is a centrifuge unit. These components are for centrifugal separation of a specimen and do not function as a rack standby unit. Accordingly, Takahashi fails to disclose the automatic analyzer of the invention, which includes a rack standby disk as claimed, and therefore the 35 U.S.C. §102(e) rejection of claims 16-18 and 21-25 should be withdrawn.

With respect to claims 19 and 20, the Examiner relies upon Hanaway for disclosing a specimen tray assembly for use in an automatic analyzer. However, claims 19 and 20 are dependent from base claim 16, and Hanaway does not overcome the deficiency in Takahashi with respect to its failure to disclose an automatic analyzer with a rack standby disk. Therefore, the rejection of claims 19 and 20 under 35 U.S.C. §103(a) should be withdrawn.

#### Conclusion

In view of the foregoing amendments and remarks, reconsideration and reexamination are requested.

Respectfully submitted,

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